



# Permit

Number: \_\_\_\_\_

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**DEPARTMENT OF THE ARMY PERMIT**  
(ORIGINAL)

**Permittee:** UNITED STATES NAVY

**Permit No:** 200202052(IP-BAL)

U.S. Army Engineer District, Jacksonville

NOTE: The term "you" and its derivatives, as used in this permit, mean the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the U.S. Army Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

**Project Location:**

**Dredge Work** - The access channel, turning basin, and emergency operation vessels basin at the Mayport Naval Station. The Mayport Naval Station is located close to the mouth of the St. Johns River, Section 29, Township 1 South, Range 28 East, Mayport, Duval County, Florida. The approximate mid-point of the basin is Latitude 30°23'50.22"North, and Longitude 81°23'49.11" West.

**Disposal Site** - The Jacksonville Ocean Dredged Material Disposal Site (ODMDS) is a 1 nautical mile (nmi) by 1 nmi square area centered at the coordinates of latitude 30°21'00"North and longitude 81°18'00" West. The corner coordinates are as follows:

Northwest Latitude 30°21'30"N., Longitude 81°18'34" W.  
Northeast Latitude 30°21'30"N., Longitude 81°17'26" W.  
Southeast Latitude 30°20'30"N., Longitude 81°17'26" W.  
Southwest Latitude 30°20'30"N., Longitude 81°18'34" W.

The site is 4.5 nmi offshore and has an average depth of 14 meters (46 feet).

**Project Description:** To dredge, transport and dispose of the dredged material in the Jacksonville ODMDS or an upland disposal site biennially. The access channel and turning basin will be dredged to a depth of -50 feet mean low water (MLW), the destroyer slip to -37 feet MLW and the emergency operation vessel basin to a depth of -27 feet MLW. All dredging will allow a plus two-foot over depth. Approximately 1,000,000 cubic yards, will

be transported and disposed of at the Jacksonville ODMDS. Any dredge material that is not transported or disposed of at the ODMDS will be disposed at an upland disposal site at the Mayport Naval Station. All work is to be completed in accordance with the attached plans numbered 200202052(IP-BAL) in 4 sheets dated 18 June 2002.

**Permit Conditions:**

**General Conditions:**

1. The time limit for completing the work authorized under **Section 103 of the Marine Protection, Research and Sanctuaries Act** ends on 12 SEPTEMBER 2005. The time limit for completing the work authorized under **Section 10 of the Rivers and Harbors Act** ends on 12 SEPTEMBER 2012. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature and mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

### **Special Conditions:**

#### **I. OVERALL CONDITIONS**

1. The permittee shall send to the U.S. Army Corps of Engineers (Corps), Regulatory Division, Enforcement Branch, P.O. Box 4970, Jacksonville, Florida 32232-0019 and EPA Region 4's Wetlands, Coastal and Water Quality Branch, 61 Forsyth Street, Atlanta, GA 30303 a notification of commencement of work at least fifteen (15) days before initiation of any dredging operations authorized by this permit. This notification and all subsequent submittals shall be sent to the Corps and EPA and shall reference permit number 200202052(IP-BAL).

2. The permittee acknowledges that authorization for transport of dredged material to the Jacksonville ODMDS is not valid until concurrency is granted from the U.S. Environmental Protection Agency.

3. The permittee shall ensure that they are in compliance with the monitoring and reporting requirements as stated in the Site Monitoring and Management Plan for the disposal site.

#### **II. ENDANGERED SPECIES**

4. The permittee shall ensure that any take concerning a manatee, sea turtle, or whale or sighting of any injured or incapacitated manatees, sea turtles, or whales shall be reported immediately to the Chief, Enforcement Branch Corps of Engineers. In the event of a take of a manatee or whale, all work shall cease.

### **Manatee - Clamshell & Hopper Dredge**

5. The permittee shall restrict clamshell to the months of December, January, and February to the maximum extent possible.

6. The permittee shall ensure that all barges associated with the work have bumpers that allow no less than a four-foot separation at maximum compression to provide an adequate standoff distance to prevent manatee crushing.

7. In the event the permittee uses a clamshell dredge outside of the above preferred dredge window, the permittee shall employ a dedicated, trained manatee observer on the dredge barge at all times during actual in-water operations. The observer shall be equipped with polarized sunglasses and binoculars for daylight observations, and will advise personnel to cease operations upon sighting a manatee within 50 feet of any in-water, project-related activity.

8. When dredging by clamshell between sunset and sunrise, the permittee shall insure that the dredge operator mode of operation is a controlled descent of the bucket from its discharge height to the water surface, and gravity-release thereafter only after confirmation from the manatee observer that there are no manatees within the safety distance identified in the standard construction conditions.

9. Nighttime clamshell dredging shall require that the work area is sufficiently illuminated for the manatee observer to detect any manatees present within the work area. The illumination shall be directed at the water surface, or otherwise shielded such that the operational lighting is not visible from the adjacent beaches on both sides of the St. Johns River during April 15 through November 30, the sea turtle nesting and hatching season.

10. The permittee shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel

are responsible for observing water-related activities for the presence of manatee(s).

11. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees, which are protected under the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act of 1978. The permittee and/or contractor may be held responsible for any manatee harmed, harassed, or killed as a result of construction activities.

12. Silt barriers shall be installed and shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be monitored regularly to avoid manatee entrapment. Barriers shall not block manatee entry to or exit from essential habitat.

13. All vessels associated with the project shall operate at "no wake/idle" speeds at all times while in water where the draft of the vessel provides less than four feet clearance from the bottom and that vessels shall follow routes of deep water whenever possible.

14. If a manatee is sighted within 100 yards of the project area, all appropriate precautions shall be implemented by the permittee/contractor to ensure protection of the manatee. These precautions shall include the operation of all moving equipment no closer than 50 feet of a manatee. Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment. Activities will not resume until the manatee(s) has departed the project area of its own volition.

15. Any collision with and/or injury to a manatee shall be reported immediately to the "Manatee Hotline" at 1-800-DIAL-FMP (1-800-342-5367). **Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida.**

16. If the dredging is NOT during the months of December, January, and February, temporary signs concerning manatees shall be posted prior to and during construction/dredging activities. All signs are to be removed by the lessee/grantee upon completion of the project. A sign measuring at least 3 feet by

4 feet which reads *Caution: Manatee Area* will be posted in a location prominently visible to water related construction crews. A second sign should be posted if vessels are associated with the construction, and should be placed visible to the vessel operator. The second sign should be at least 8 1/2 inches by 11 inches, which reads:

*Caution: Manatee Habitat. Idle speed is required if operating a vessel in the construction area. All equipment must be shutdown if a manatee comes within 50 feet of the operation. A collision with and/or injury to a manatee shall be reported immediately to the Florida Marine Patrol at 1-800-DIAL-FMP (1-800-343-5367) and the U.S. Fish and Wildlife Service at (1-904-232-2580) for north Florida.*

#### **Whales, Sea Turtles & Sturgeon - Hopper Dredge**

17. Hopper dredging is being approved under the Regional Biological Opinion issued in 1997 by the National Marine Fisheries Service. It should be noted that incidental takes of sea turtles are authorized on a Fiscal Year (FY) (October 1 - September 30) basis to be metered out by the Division Commander, South Atlantic Division, U.S. Army Corps of Engineers for the southeastern United States for Federal, military and permitted projects. If care is not taken, the take limits could be reached by any of these parties and hopper dredging would cease for the remainder of that FY.

18. If the Permittee proposes to use a hopper dredge for this work, detail drawings shall be submitted showing the proposed device and its attachment to the Permittee's equipment. Permittee's drawings to be submitted shall include the approach angle for any and all depths to be dredged during this contract. A copy of the approved drawings and calculations shall be available on the vessel during the life of this contract. No dredging work shall be allowed to commence until approval of the turtle deflector device by the Chief, Enforcement Branch.

19. The Permittee shall submit a certified copy of National Marine Fishery Service (NMFS) permit for sea turtle trawling and relocation as well as a statement as to the person responsible for implementation of the NMFS permit to the Chief, Enforcement Branch.

20. Permittee shall submit as specified, a copy of the hopper dredge(s) output recording chart(s) for each day's operation on a daily basis.

21. During the period December through March, barges or dredges moving through the designated critical habitat of the right whale (*Eubalaena glacialis*) shall take the following precautions. During evening hours or when there is limited visibility due to fog or sea states greater than Beaufort 3, the tug/barge or dredge operator shall slow down to 5 knots or less when traversing between areas if whales have been spotted within 15 nautical miles (nm) of the vessel's path within the previous 24 hours. During the period from 1 December through 30 March, daily aerial surveys within 15 nautical miles of the dredging and disposal sites will be conducted by others to monitor for the presence of the Right Whales. Right whale sightings will be immediately communicated by marine radio to the dredging Permittee's dredge. In addition, the tug/barge or dredge operator shall maintain a 500-yard buffer between the vessel and any whale.

22. Dredging operations shall cease if three loggerheads, one Kemp's ridley or one green sea turtle(s) are taken until the Chief, Enforcement Branch notifies the Permittee to resume dredging.

23. During dredging operations, an observer approved by the National Marine Fisheries Service (NMFS) for sea turtles and whales shall be aboard to monitor for the presence of the species. During transit to and from the disposal area, the observer shall monitor from the bridge during daylight hours for the presence of endangered species, especially the right whale, during the period December through March. During dredging operations, the observer shall monitor the inflow screening for turtles and/or turtle parts.

24. The results of the monitoring shall be recorded on the appropriate observation sheet. An observation sheet shall be completed for each dredging cycle whether or not sea turtle or sea turtle parts are present. Sample observation sheets are attached.

25. The permittee shall ensure that the endangered species observer(s) are NMFS-approved. A list of acceptable firms can be obtained by contacting NMFS Chief of Office of Protective Species in St. Petersburg, Florida at 727-570-5312.

26. Positively identified turtle parts shall be disposed of in accordance with the direction of the Chief, Enforcement Branch. Turtle parts, which cannot be positively identified on board the dredge or barge(s) shall be preserved by the observer(s) for later identification. Observer(s) shall measure, weigh, tag, and release any uninjured turtles incidentally taken by the dredge. Observer(s) (or their authorized representative) shall transport,



as soon as possible, any injured turtles to a rehabilitation facility such as Sea World at Orlando, Florida.

27. The permittee shall maintain a log detailing all incidents, including sightings, collisions with, injuries, or killing of manatees, sea turtles, or whales occurring during the contract period. The data shall be recorded on forms provided (sample forms are appended to the end of this Section). All data in original form shall be forwarded directly to Chief, Environmental Branch, P. O. Box 4970, Jacksonville, Florida, 32232-0019, within 10 days of collection and copies of the data shall be supplied to the Chief, Enforcement Branch. Following project completion, a report summarizing the above incidents and sightings shall be submitted to the following:

Chief, Environmental Branch  
U.S. Army Corps of Engineers (CESAJ-PD-E)  
P.O. Box 4970  
Jacksonville, Florida 32232-0019

Chief, Enforcement Branch  
U.S. Army Corps of Engineers  
P.O. Box 4970  
Jacksonville, Florida 32232-0019

National Marine Fisheries Service  
Protected Species Management Branch  
9721 Executive Center Drive  
St. Petersburg, Florida 33702

U.S. Fish and Wildlife Service  
6620 Southpointe Drive South, Suite 310  
Jacksonville, Florida 32216-0958

Florida Fish and Wildlife Conservation Commission  
Bureau of Protected Species Management  
620 South Meridian Street  
Tallahassee, Florida 32399-1600

28. Hopper dredge drag heads shall be equipped with rigid sea turtle deflectors, which are rigidly attached. No dredging shall be performed by a hopper dredge without a turtle deflector device that has been approved by the Chief, Enforcement Branch. Sample Turtle Deflector Design Details are attached.

29. The leading vee-shaped portion of the deflector shall have an included angle of less than 90 degrees. Internal reinforcement shall be installed in the deflector to prevent structural failure of the device. The leading edge of the deflector shall be designed to have a plowing effect of at least

6" depth when the drag head is being operated. Appropriate instrumentation or indicator shall be used and kept in proper calibration to insure the critical "approach angle".

(Information Only Note: The design "approach angle" or the angle of lower drag head pipe relative to the average sediment plane is very important to the proper operation of a deflector. If the lower drag head pipe angle in actual dredging conditions varies tremendously from the design angle of approach used in the development of the deflector, the 6" plowing effect does not occur. Therefore, every effort should be made to insure this design "approach angle" is maintained with the lower drag pipe.)

30. If adjustable depth deflectors are installed, they shall be rigidly attached to the drag head using either a hinged aft attachment point or an aft trunnion attachment point in association with an adjustable pin front attachment point or cable front attachment point with a stop set to obtain the 6" plowing effect. This arrangement allows fine-tuning the 6" plowing effect for varying depths. After the deflector is properly adjusted there shall be NO openings between the deflector and the drag head that are more than 4" by 4".

31. The permittee shall install baskets or screening over the hopper inflow(s) with no greater than 4" x 4" openings. The method selected shall depend on the construction of the dredge used and shall be approved by the Chief, Enforcement Branch prior to commencement of dredging. The screening shall provide 100% screening of the hopper inflow(s). The screens and/or baskets shall remain in place throughout the performance of the work.

32. The Permittee shall install and maintain floodlights suitable for illumination of the baskets or screening to allow the observer to safely monitor the hopper basket(s) during non-daylight hours or other periods of poor visibility. Safe access shall be provided to the inflow baskets or screens to allow the observer to inspect for turtles, turtle parts or damage.

33. The Permittee shall operate the hopper dredge to minimize the possibility of taking sea turtles and to comply with the requirements stated in the Incidental Take Statement provided by the National Marine Fisheries Service in their Biological Opinion.

34. The turtle deflector device and inflow screens shall be maintained in operational condition for the entire dredging operation.

35. When initiating dredging, suction through the drag heads shall be allowed just long enough to prime the pumps, then the drag heads must be placed firmly on the bottom. When lifting the

drag heads from the bottom, suction through the drag heads shall be allowed just long enough to clear the lines, and then must cease. Pumping water through the drag heads shall cease while maneuvering or during travel to/from the disposal area.

(Information Only Note: Optimal suction pipe densities and velocities occur when the deflector is operated properly. If the required dredging section includes compacted fine sands or stiff clays, a properly configured arrangement of teeth may enhance dredge efficiency, which reduces total dredging hours, and "turtle takes." The operation of a drag head with teeth must be monitored for each dredged section to insure that excessive material is not forced into the suction line. When excess high-density material enters the suction line, suction velocities drop to extremely low levels causing conditions for plugging of the suction pipe. Dredge operators should configure and operate their equipment to eliminate all low-level suction velocities. Pipe plugging in the past was easily corrected, when low suction velocities occurred, by raising the drag head off the bottom until the suction velocities increased to an appropriate level. Pipe plugging cannot be corrected by raising the drag head off the bottom. Arrangements of teeth and/or the reconfiguration of teeth should be made during the dredging process to optimize the suction velocities.)

36. Raising the drag head off the bottom to increase suction velocities is not acceptable. The primary adjustment for providing additional mixing water to the suction line should be through water ports. To insure that suction velocities do not drop below appropriate levels, the Permittee's personnel shall monitor production meters throughout the job and adjust primarily the number and opening sizes of water ports. Water port openings on top of the drag head or on raised standpipes above the drag head shall be screened before they are utilized on the dredging project. If a dredge section includes sandy shoals on one end of a tract line and mud sediments on the other end of the tract line, the Permittee shall adjust the equipment to eliminate drag head pick-ups to clear the suction line.

37. The Permittee shall keep the drag head buried a minimum of 6 inches in the sediment at all times. Although the over depth prism is not the required dredging prism, the Permittee shall achieve the required prism by removing the material from the allowable over depth prism.

38. The Permittee shall ensure that during turning operations the pumps must either be shut off or reduced in speed to the point where no suction velocity or vacuum exists. These operational procedures are intended to stress the importance of balancing the suction pipe densities and velocities in order to keep from taking sea turtles. The Permittee shall develop a

written operational plan to minimize turtle takes and submit it as part of the Environmental Protection Plan.

39. The Permittee must comply with all requirements of this specification and the Permittee's accepted Environmental Protection Plan. The contents of this specification and the Permittee's Environmental Protection Plan shall be shared with all applicable crewmembers of the hopper dredge.

40. All hopper dredge(s) shall be equipped with recording devices for each drag head that capture real time, drag head elevation, slurry density, and at least two of the following: Pump(s) slurry velocity measured at the output side, pump(s) vacuum, and/or pump(s) RPM. The Permittee shall record continuous real time positioning of the dredge, by plot or electronic means, during the entire dredging cycle including dredging area and disposal area. Dredge location accuracy shall meet the requirements of the latest version of EM 1110-1-1003. A copy of the EM can be downloaded from the following website: <http://www.usace.army.mil/inet/usace-docs/eng-manuals/em.htm>. The recording system shall be capable of capturing data at variable intervals but with a frequency of not less than every 60 seconds. All data shall be time correlated to a 24-hour clock and the recording system shall include a method of daily evaluation of the data collected. Data shall be furnished to the Contracting Officer for each day's operation on a daily basis. A written plan of the method the Permittee intends to use in order to satisfy these requirements shall be included with the Permittee's Quality Control Plan.

41. A sea turtle risk assessment survey shall be conducted following the take of one green or three loggerhead sea turtles and continue until directed by the Chief, Enforcement Branch. The results of each trawl shall be recorded on Sea Turtle Trawling Report appended to the end of this Section. A final report shall be prepared and submitted to the Chief, Enforcement Branch prior to re-commencement of dredging summarizing the results of the survey (with all forms and including total trawling times, number of trawls and number of captures). Any turtles captured during the survey shall be measured and tagged in accordance with standard biological sampling procedures with sampling data recorded on Sea Turtle Tagging and Relocation Report appended to the end of this Section. Any captured sea turtles shall be relocated south of the work area at least 3 miles from the location recorded on the Sea Turtle Tagging and Relocation Report form.

42. An approved sea turtle trawling and relocation supervisor shall provide researchers and nets to capture and relocate sea turtles, shall conduct Sea Turtle Risk Assessment Survey, and

shall conduct any initiated sea turtle trawling. Turtles shall be captured with trawl nets to determine their relative abundance in the channel during dredging. Methods and equipment shall be standardized including data sheets, nets, trawling direction to tide, length of station, length of tow, and number of tows per station. Data on each tow shall be recorded using Sea Turtle Trawling Report appended to end of this Section. The trawler shall be equipped with two 60-foot nets constructed from 8-inch mesh (stretch) fitted with mud rollers and flats as specified in Turtle Trawl Nets Specifications appended to the end of this Section. Paired net tows shall be made for 10 to 12 hours per day or night. Trawling shall be conducted with the tidal flow using repetitive 15-30 minute (total time) tows in the channel. Tows shall be made in the center, green and red sides of the channel such that the total width of the channel bottom is sampled. Positions at the beginning and end of each tow shall be determined from GPS positioning equipment. Tow speed shall be recorded at the approximate midpoint of each tow. Refer to EM 1110-1-1003, paragraph 5.3 and Table 5-1, for acceptable GPS criteria.

43. Water temperature measurements shall be taken at the water surface each day using a laboratory thermometer. Weather conditions shall be recorded from visual observations and instruments on the trawler. Weather conditions, air temperature, wind velocity and direction, sea state-wave height, and precipitation shall be recorded on the Sea Turtle Trawling Report appended to the end of this Section. High and low tides shall be recorded.

44. Initiate trawling if one green or one Kemp's ridley or three loggerhead sea turtles are taken. The Permittee must initiate trawling and relocation activity in the dredging area within 8 hours of the occurrence of the take. Trawling shall continue until suspended by the Chief, Enforcement Branch.

45. Trawling shall be conducted under the supervision of a biologist approved by the NMFS. A letter of approval from NMFS shall be provided to the Chief, Enforcement Branch prior to commencement of trawling.

46. Approval for trawling for sea turtles without Turtle Excluder Devices (TEDs) must be obtained from NMFS. Approval for capture and relocation of sea turtles must be obtained from the [Florida Fish and Wildlife Conservation Commission (FF&WCC)]. Approvals must be submitted to the Chief, Enforcement Branch prior to trawling.

47. Following completion of the project, the Permittee shall forward a copy of the Permittee's log regarding sea turtles and

whales to the Chief, Environmental Branch and the Chief, Enforcement Branch within 10 working days.

### **III. DISPOSAL OPERATIONS**

48. For this permit, the term disposal operations shall mean, navigation of any vessel used in disposal operations, transportation of dredged material from the dredging site to the Jacksonville ODMDS, proper disposal of dredged material at the disposal area within the Jacksonville ODMDS, and transportation of the hopper dredge or disposal barge or scow back to the dredging site. The location of the Jacksonville ODMDS is listed on the first page of the permit.

49. No more than 1,000,000 cubic yards of dredged material excavated at the Mayport Naval Station, defined in the dredge location listed on the first page of the permit are authorized for disposal biennially at the Jacksonville ODMDS.

50. The permittee shall use an electronic positioning system to navigate to and from the Jacksonville ODMDS. For this section of the permit, the electronic positioning system is defined as: a differential global positioning system or a microwave line of site system. Use of LORAN-C alone is not an acceptable electronic positioning system for disposal operations at the Jacksonville ODMDS. If the electronic positioning system fails or navigation problems are detected, all disposal operations shall cease until the failure or navigation problems are corrected.

51. The permittee shall certify the accuracy of the electronic positioning system proposed for use during disposal operations at the Jacksonville ODMDS. The certification shall be accomplished by direct comparison of the electronic positioning system's accuracy with a known fixed point.

52. The permittee shall not allow any water or dredged material placed in a hopper dredge or disposal barge or scow to flow over the sides or leak from such vessels during transportation to the Jacksonville ODMDS.

53. A disposal operations inspector and/or the captain of any tug boat, hopper dredge or other vessel used to transport dredged material to the Jacksonville ODMDS shall ensure

compliance with disposal operation conditions defined in this permit.

54. If the disposal operations inspector or the captain detects a violation, he shall report the violation to the permittee immediately.

55. The permittee shall contact the U.S. Army Corps of Engineers, Jacksonville District's Regulatory Branch (904) 232-1665 and EPA Region 4 at (404) 562-9391 to report the violation within twenty-four (24) hours after the violation occurs. A complete written explanation of any permit violation shall be included in the post-dredging report.

56. When dredged material is disposed, no portion of the hopper dredge or disposal barge or scow shall be farther than 1,500 feet of the center of the Jacksonville ODMDS.

57. The permittee shall use an automated disposal verification system that will continuously track (1 to 5 minute intervals) the horizontal location and draft condition of the disposal vessel (hopper dredge or disposal barge or scow) to and from the Jacksonville ODMDS. This information shall be available in electronic format to the Jacksonville District Corps of Engineers and EPA Region 4 upon request.

58. The required digitally recorded data mentioned in special condition 56 above are: date, time, vessel name, dump number, beginning and ending coordinates of the dredging area for each load, location at points of initiation and completion of disposal, description of material disposed (sand, clay or silt), volume of load, and disposal technique. This information will be available to the Jacksonville District Corps of Engineers on a daily basis.

59. The permittee shall use Florida or Georgia State Plane or latitude and longitude coordinates (North American Datum 1983 or 1927). State Plane coordinates shall be reported to the nearest 0.10-foot and latitude and longitude coordinates shall be reported as degrees and decimal minutes to the nearest 0.01 minutes.

60. The permittee shall conduct a bathymetric survey of the Jacksonville ODMDS within three months prior to dredging cycles

or project disposal and within 30 days following project completion.

61. The number and length of the survey transects shall be sufficient to encompass the Jacksonville ODMDS and a 0.25 nautical mile wide area around the site. The transects shall be spaced at 500-foot intervals or less.

62. Vertical accuracy of the survey shall be  $\pm 0.5$  feet. Horizontal location of the survey lines and depth sounding points will be determined by an automated positioning system utilizing either microwave line of site system or differential global positioning system. The vertical datum shall be Mean Lower Low Water (MLLW) and the horizontal datum shall use Florida or Georgia State Plane or latitude and longitude coordinates (North American Datum 1983 or 1927). State Plane coordinates shall be reported to the nearest 0.10-foot and latitude and longitude coordinates shall be reported as degrees and decimal minutes to the nearest 0.01 minutes.

#### **IV. REPORTING REQUIREMENTS**

63. The permittee shall send to the U.S. Army Corps of Engineers (Corps), Regulatory Division, Enforcement Branch, P.O. Box 4970, Jacksonville, Florida 32232-0019 and EPA Region 4's Wetlands, Coastal and Water Quality Branch, 61 Forsyth Street, Atlanta, GA 30303 a notification of commencement of work at least fifteen (15) days before initiation of any dredging operations authorized by this permit. This notification shall reference permit number 200202052(IP-BAL).

64. The permittee shall submit to the U.S. Army Corps of Engineers weekly disposal monitoring reports. These reports shall contain the information described in Special Condition 58 above.

65. The permittee shall send one (1) copy of the disposal summary report to the Jacksonville District's Regulatory Enforcement Branch and one (1) copy of the disposal summary report to EPA Region 4 documenting compliance with all general and special conditions defined in this permit. The disposal summary report shall be sent within 45 days after completion of the disposal operations authorized by this permit. The disposal summary report shall include the following information: Corps



permit number, actual start date and completion date of dredging and disposal operations, total cubic yards disposed at the Jacksonville ODMDS, locations of disposal events, and pre and post disposal bathymetric survey results (in hard and electronic formats). Also, the report shall indicate whether all general and special permit conditions were met. Any violations of the permit shall be explained in detail.

#### **V. PERMIT LIABILITY**

66. The permittee shall be responsible for ensuring compliance with all conditions of this permit.

67. The permittee and all contractors or other third parties who perform an activity authorized by this permit on behalf of the permittee shall be separately liable for a civil penalty of up to \$50,000 for each violation of any term of this permit they commit alone or in concert with the permittee or other parties. This liability shall be individual, rather than joint and several, and shall not be reduced in any fashion to reflect the liability assigned to and civil penalty assessed against the permittee or any other third party as defined in 33 U.S.C. Section 1415(a).

68. If the permittee or any contractor or other third party knowingly violates any term of this permit (either alone or in concert), the permittee, contractor or other party shall be individually liable for the criminal penalties set forth in 33 U.S.C. Section 1415(b).

#### **Further Information:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

( ) Section 404 of the Clean Water Act (33 U.S.C. 1344).

(X) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, and local authorization required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.



(PERMITTEE)

Michael D. Huggins, CDR, CEC, USN

9/12/2002

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.



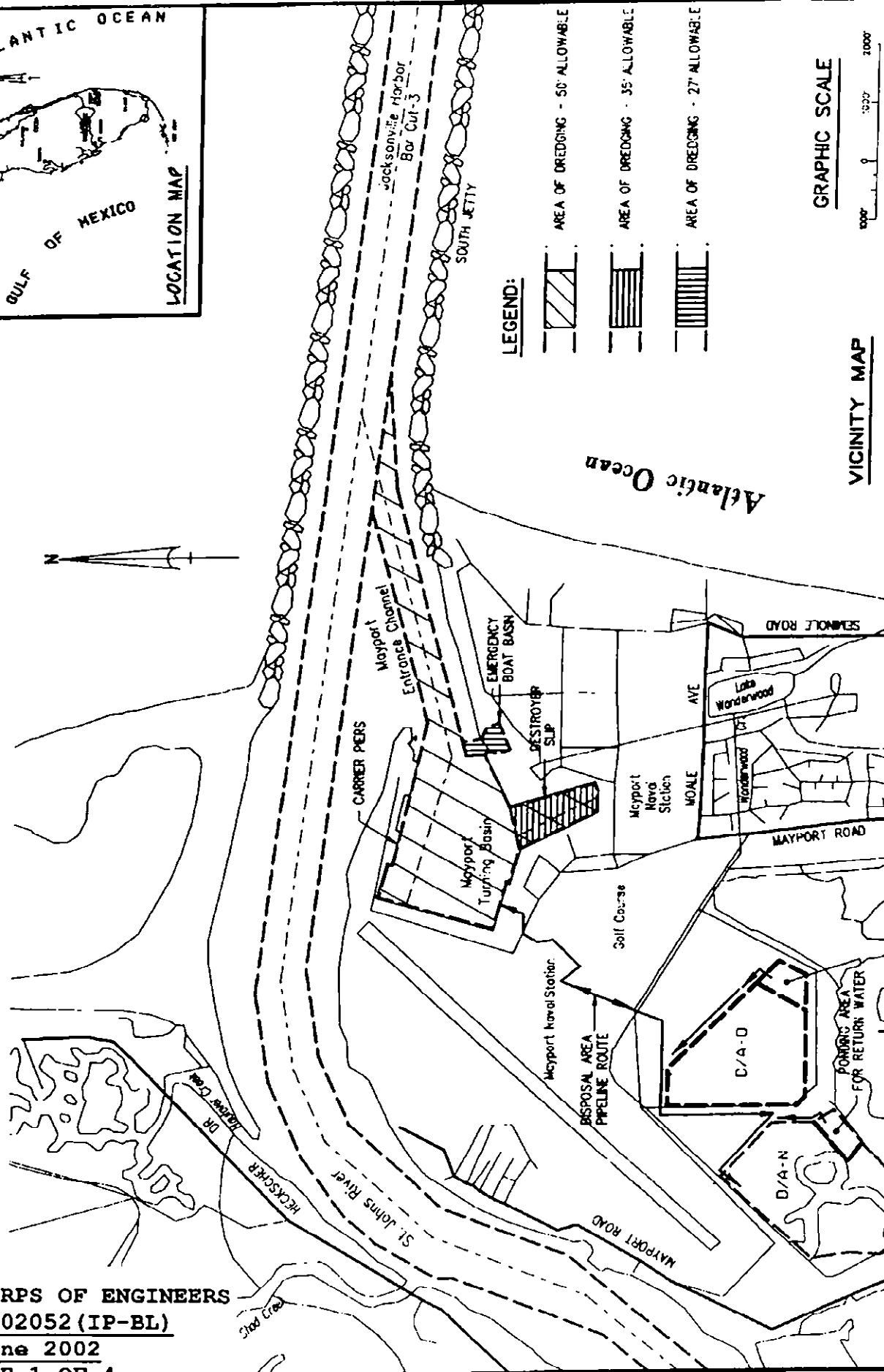
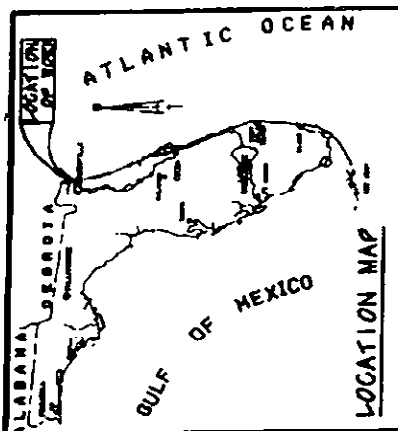
(DISTRICT ENGINEER)

James G. May

Colonel, U.S. Army

13 Sept 2002

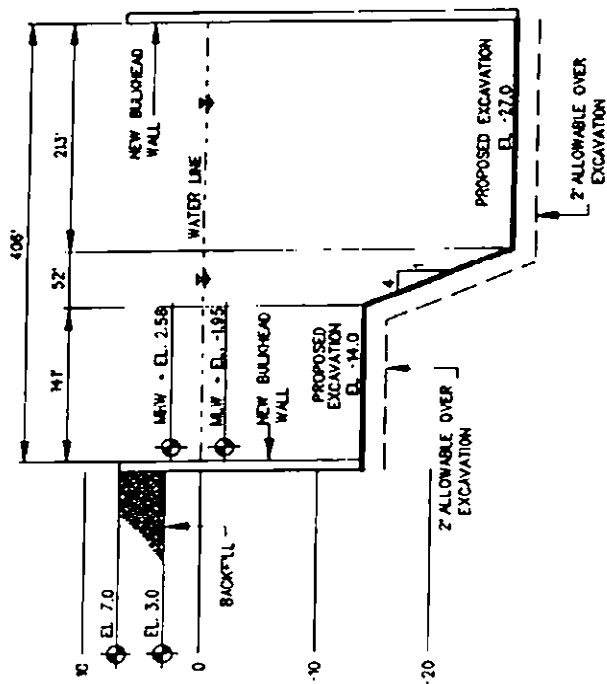
(DATE)



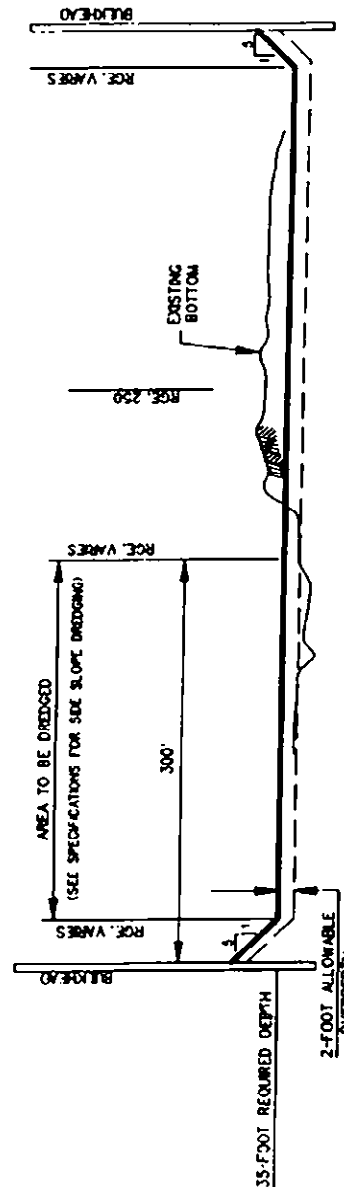
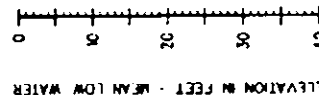
U.S. NAVAL STATION, MAYPORT, FLORIDA		PLATE	
LOCATION AND VICINITY MAP		1/4	
DREDGING AND DISPOSAL PLAN		ENTRANCE CHANNEL, TURNING BASIN AND DESTROYER SLIP	
AS SHOWN	Scale:	Designed by:	Checked by:
		ACJ	RLJ
		ACJ	ACJ
The name: MAYPORT		Reference to:	
DEPARTMENT OF THE ARMY		JACKSONVILLE DISTRICT, CORPS OF ENGINEERS	
JACKSONVILLE, FLORIDA		JACKSONVILLE DISTRICT	
U.S. Army Corps of Engineers		JACKSONVILLE DISTRICT	
Date: 24 FEBRUARY 2002		D.O. FILE NO.	



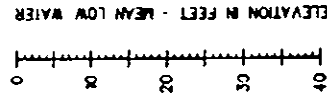
U.S. ARMY CORPS OF ENGINEERS  
 PERMIT 200202052 (IP-BL)  
 DATE... 18 June 2002  
 DRAWING PAGE 3 OF 4



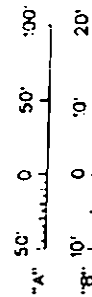
**EMERGENCY BOAT BASIN SECTION**  
 NOT TO SCALE



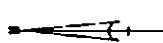
**DESTROYER SLIP**  
 STA 9+00  
 SCALES: HORIZ. "A"  
 VERT. "B"



**GRAPHIC SCALE**



U.S. Army Corps of Engineers Jacksonville District	DEPARTMENT OF THE ARMY JACKSONVILLE DISTRICT, CORPS OF ENGINEERS JACKSONVILLE, FLORIDA		File Name: MAYPIS.DGN Reference: None	Designed by: A.C.K.	Scale: AS SHOWN	Part of: A.C.K.	Date: 24 FEBRUARY 2002	O.G. FILE NO.
	U.S. NAVAL STATION, MAYPORT, FLORIDA <b>DREDGING SECTIONS</b> EMERGENCY BOAT BASIN AND DESTROYER SLIP							



REFER TO SURVEY NO. 02-013.

2. SOURCES ARE IN FEET AND TENTHS AND REFER TO MEAN LOW WATER (MLW) WHICH IS 2.70 FEET BELOW MVD 929.
3. ALL ELEVATIONS ARE BELOW THE CHART DATUM UNLESS PRECEDED BY A (+) SIGN.
4. TIDE REDUCTIONS WERE MADE FROM A STAFF SET ON THE WATPORT FUEL PIER, AND REFERENCED FROM BENCHMARK "FUEL".
5. PLANE COORDINATES ARE BASED ON THE TRANSVERSE MERCATOR PROJECTION FOR THE EAST ZONE OF FLORIDA AND REFERENCED TO NORTH AMERICAN DATUM OF 1983 (NAD83).

[illegible]

CONTROL POINTS	PLANE COORDINATES	
	X	Y
POINT A	550,031.02	2,198,467.39
POINT B	564,599.42	2,198,481.03
POINT C	564,573.08	2,184,339.36
POINT D	958,618.28	2,184,462.12

U.S. ARMY CORPS OF ENGINEERS  
PERMIT 200202052 (IP-BL)  
DATE... 18 June 2002  
DRAWING PAGE 4 OF 4

DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT, CORPS OF ENGINEERS  
JACKSONVILLE, FLORIDA

U.S. Army Corps  
of Engineers  
Jacksonville District

Pls name:	Designed by: A.C.K.	Scale:	AS SHOWN
-----------	------------------------	--------	----------

Not done	Not studied
Yes	Yes
No	No

**Date: 24 FEBRUARY 2002**

**D.O. FILE NO.**

U.S. NAVAL STATION, MAYPORT, FLORIDA

# OCEAN DISPOSAL AREA PLAN

ENTRANCE CHANNEL, TURNING BASIN  
AND DESPOYER CHANNEL

**JACKSONVILLE ODMS**

# PLATE

4/4



# SEA TURTLE TAGGING AND RELOCATION REPORT

Channel: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Time: \_\_\_\_\_

\_\_\_\_\_ of \_\_\_\_\_

Ship Name: \_\_\_\_\_ Net: \_\_\_\_\_ Port: \_\_\_\_\_ Starboard : \_\_\_\_\_

Flipper Tag	Sex	Weight
Left: _____ Right: _____ Recapture: _____ This Effort: _____ Previous Effort: _____	Male: _____ Female: _____ Unknown: _____	_____ Kg _____ lbs

Carapace S.L. Length	S.L. Width	Tail Length
_____ cm _____ in CCL: _____ cm	_____ cm _____ in CCW: _____ cm	(from plastron to tip) _____ cm

Head Width	Photos Taken	Blood Taken
_____ cm _____ in	Yes: _____ No: _____	Yes: _____ No: _____ Time: _____ No. of Vials: _____

Telemetry Tag
Radio: _____ Sonic: _____ Satellite: _____ _____ Mhz _____ Khz

## GENERAL CONDITIONS OF TURTLE

CPL: _____ cm
CPW: _____ cm
PIT Tag #: _____

Turtle Released
Date: _____ Time: _____

Release Location
Latitude: _____ Longitude: _____

## TURTLE TRAWL NETS SPECIFICATIONS

**DESIGN:** 4 Seam, 4 Legged, 2 Bridal Trawl Net  
**WEBBING:** 4 inch bar, 8 inch stretch  
    Top - 36 Gauge Twisted Nylon Dipped  
    Side - 36 Gauge Twisted Nylon Dipped  
    Bottom - 84 Gauge Braided Nylon Dipped  
**NET LENGTH:** 60 ft from cork line to cod end  
**BODY TAPER:** 2 to 1  
**WING END HEIGHT:** 6 feet  
**CENTER HEIGHT:** Dependent on depth of trawl - 14 to 18 feet  
**COD END:** Length 50 meshes x 4 inches equals 16.7 feet  
    Webbing 2 inch bar, 4 inch stretch, 84 gauge braid nylon  
    dipped, 80 meshes around, 40 rigged meshes with 1/4 x 2  
    inch choker rings, 1 each 1/2 x 4 inch at end  
    Cod End Cover - none  
    Chaffing Gear - none  
**HEAD ROPE:** 60 ft 1/2 inch combination rope (braid nylon with  
    stainless cable center)  
**FOOT ROPE:** 65 ft 1/2 inch combination rope  
**LEG LINE:** Top - 6 ft, Bottom - 6 ft  
**FLOATS:** Size - Tuna Floats (football style), Diameter - 7  
    Inches; Length - 9 inches; number - 12 each;  
    spacing - center of top net 2 inches apart  
**MUD ROLLERS:** Size - 5 inch Diameter, 5.5 inch length  
    Number - 22 each; spacing - 3 ft attached with 3/8 inch  
    polypropylene rope (replaced with snap on roller when  
    broken)  
**TICKLER CHAINS:** NONE (Discontinued - but previously used 1/4  
    inch x 74 ft galvanized chain)  
**WEIGHT:** 20 ft of 1/4 inch galvanized chain on each wing, 40 ft  
    per net looped and tied  
**DOOR SIZE:** 7 ft x 40 inches (or 8 ft x 40 inches); Shoe - 1 inch  
    x 6 inch; bridles - 3/8 inch high test chain  
**CABLE LENGTH (Bridle Length, Total):** 7/16 inch x 240-300 ft  
    varies with bottom conditions  
**FLOAT BALL:** NONE  
**LAZY LINES:** 1 inch nylon  
**PICKUP LINES:** 3/8 inch polypropylene  
**WHIP LINES:** 1 inch nylon

PROJECT: \_\_\_\_\_

INCIDENT REPORT OF SEA TURTLE MORTALITY  
AND DREDGING ACTIVITIES

Species: \_\_\_\_\_

Date: \_\_\_\_\_ Time: 24 hour clock \_\_\_\_\_

Geographic Site: \_\_\_\_\_

Location: Latitude \_\_\_\_\_ Longitude \_\_\_\_\_

Vessel Name: \_\_\_\_\_

Type of Dredging Activity: \_\_\_\_\_

Load #: \_\_\_\_\_ Sampling Method: \_\_\_\_\_

Location Specimen Recovered: \_\_\_\_\_

Draghead Deflector? YES \_\_\_\_\_ NO \_\_\_\_\_

Condition of Deflector: \_\_\_\_\_

Weather Conditions: \_\_\_\_\_

Water Temp: Surface \_\_\_\_\_ Column \_\_\_\_\_

Head Width: \_\_\_\_\_ Plastron Length: \_\_\_\_\_

Carapace S.L. Length: \_\_\_\_\_ Carapace S.L. Width: \_\_\_\_\_

Carapace O.C. Length: \_\_\_\_\_ Carapace O.C. Width: \_\_\_\_\_

Condition of Specimen: \_\_\_\_\_

Turtle Tagged: YES \_\_\_\_\_ NO \_\_\_\_\_

Tag #: \_\_\_\_\_ Tag Date: \_\_\_\_\_

Comments/Other: \_\_\_\_\_

Observer's Name: \_\_\_\_\_

PROJECT:

HOPPER DREDGE REPORTING LOG

TURTLE OBSERVER NOTES

LOAD NUMBER \_\_\_\_\_ DATE \_\_\_\_\_ TIME

PORT BASKET CONTENTS

STARBOARD BASKET CONTENTS

TURTLE OR TURTLE PARTS PRESENT YES \_\_\_\_\_ NO

COMMENTS AND OTHER OBSERVATIONS

BRIDGE WATCH: TIME \_\_\_\_\_ LOCATION

NUMBER OF TURTLES SIGHTED

OBSERVER'S NAME

WHALE SIGHTING LOG

PROJECT:

DATE:

SPECIES OF WHALE SIGHTED:

TIME OF SIGHTING:

WEATHER/SEA STATE:

LOCATION OF WHALE RELATIVE TO PROJECT AND DREDGE:

DISTINGUISHING CHARACTERISTICS:

ACTIVITY OF WHALE:

DIRECTION AND SPEED OF WHALE MOVEMENT:

DIRECTION AND SPEED OF DREDGE DURING SIGHTING:

REACTION OF WHALE TO DREDGE (IF ANY):

PRESENCE OF OTHER MARINE ANIMALS:

NAME OF OBSERVER:

TITLE:

PHONE NUMBER:

OTHER INFORMATION/OBSERVATIONS:



# Department of Environmental Protection

Job Bush  
Governor

Northeast District  
7825 Baymeadows Way, Suite B200  
Jacksonville, Florida 32256-7590

David B. Scrubs  
Secretary

Voice 904-807-3344 FAX 904-448-4366

## SUBMERGED LANDS AND ENVIRONMENTAL RESOURCES PROGRAM

April 5, 2002

Naval Station Mayport  
C/o Richard E. Bonner, P.E.  
US Army Corps of Engineers, Jacksonville  
Post Office Box 4970  
Jacksonville, FL 32232-0019

DEP File No.: 16-196508-001-EE  
Maintenance Dredge

Dear Mr. Bonner:

Thank you for your request to the Department for authorization to maintenance dredge the Naval Station Mayport basin and access channel to original design depths. The facility is located on the St. Johns River, Duval County. The dredged material is to be disposed at an existing spoil disposal site on the base or in the Jacksonville Harbor Ocean Dredged Material Site in the Atlantic Ocean approximately 5 miles offshore. This type of activity may require authorization for construction and operation of the project (regulatory authorization), authorization to use state-owned submerged lands (proprietary authorization), and federal authorization for works in waters of the United States through the State Programmatic General Permit (SPGP) program. Your request has been reviewed for all three authorizations. The authorizations you have been granted are listed below. Please read each section carefully. Your project may not have qualified or may not require all three authorizations. If your project did not qualify for or require one or more of the authorizations that specific section will advise you how to obtain it or the reason it was not required. You may NOT commence your project without all the required authorizations. If you change the project from what you submitted, the authorization(s) granted may no longer be valid at the time of commencement of the project. Please contact us prior to beginning your project if you wish to make any changes.

### REGULATORY AUTHORIZATION - EXEMPTION VERIFIED

Your project is exempt from the need for an Environmental Resource Permit (ERP). This determination is based solely on the information provided the Department and the statutes and rules in effect when the application was submitted and is effective only for the specified activity. This determination shall automatically expire if site conditions materially change or the governing statutes or rules are amended. In addition, any substantial modifications in your plans should be submitted to the Department for review, as changes may result in a permit being required. In any event, this determination shall expire after one year. You must comply with the attached criteria and limiting conditions in accordance with section 40C-4.051(11)(b), Florida Administrative Code.

Authority for review - Part IV of Chapter 373, F.S., Title 62, F.A.C. and in accordance to Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-115, F.A.C.

"Water Protection, Less Process"

Printed on recycled paper.

Apr 23 '02 11:46 P.02

Fax: 904-448-4366

DEP NORTHEAST DIST

Naval Station Mayport  
DEP File No.: 16-196508-001-EE  
April 5, 2002

### PROPRIETARY REVIEW - NO OBJECTION

This activity also requires a proprietary authorization, as the activity is located on sovereignty submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Article X, Section 11 of the Florida Constitution, and Sections 253.002 and 253.77, F.S. The activity is not exempt from the need to obtain a proprietary authorization. The Department has the responsibility to review and take final action on this request for proprietary authorization in accordance with Section 18-21.0051, F.A.C. and the Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C. In addition to the above, this proprietary authorization has been reviewed in accordance with Chapter 253, F.S. and Chapter 18-21, F.A.C. and section 62-343.075, F.A.C.

As staff to the Board of Trustees, the Department has reviewed and determined that the activity qualifies for consent to use sovereignty submerged lands, pursuant to Chapter 253.77, Florida Statutes.

Authority for review - Chapter 253, F.S. and Chapter 18-21, F.A.C. and section 62-343.075, F.A.C. as required.

### SPGP - REVIEW - AUTHORIZATION NOT GRANTED

Your project has been reviewed for compliance with a State Programmatic General Permit (SPGP). Your proposed activity as outlined on the attached drawings does NOT meet the criteria for compliance with the U.S. Army Corps of Engineers (Corps) State Programmatic General Permit (SPGP). A copy of your notice has been sent to the U. S. Army Corps of Engineers (USACOE) for review. The USACOE may require a separate permit. Failure to obtain this authorization prior to construction could subject you to enforcement action by that agency. For further information, you should contact the USACOE at 904-232-1661.

Authority for review - an agreement with the U.S. Army Corps of Engineers entitled Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection State Programmatic General Permit, Section 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean Water Act.

If you have any questions, please contact Steve Sabia at 904-807-3344 or via Internet E-mail address at Stephen.Sabia@dep.state.fl.us. When referring to your project please use the DEP File number listed above.

Sincerely,



Russell A. Price  
Environmental Supervisor

RAP/SS/1gb

Enclosures

Exemption Criteria and Limiting Conditions 40C-4.051(1)(b)  
Lease/Easement Information Package as Applicable  
USACOE Specific Condition as Applicable  
General Consent of Use Conditions as Applicable

SEP 12 2002

MEMORANDUM FOR RECORD

SUBJECT: Department of the Army Environmental Assessment and  
Statement of Findings for Above-Numbered Permit Application

1. Applicant: Commanding Officer  
United States Navy  
Mayport Naval Station  
Mayport, Florida 32228-0112
2. Project Location, Description, Existing Conditions, and Other  
Authorization:
  - a. Location of Disposal Site: The Jacksonville Ocean  
Dredged Material Disposal Site (ODMDS) is approximately 4.5  
nautical mile (nmi) offshore. The site is 1 nmi square area and  
has an average depth of 14 meters (46 feet). The corner  
coordinates are as follows:

Northwest Latitude 30°21'30"N., Longitude 81°18'34" W  
Northeast Latitude 30°21'30"N., Longitude 81°17'26" W  
Southeast Latitude 30°20'30"N., Longitude 81°17'26" W  
Southwest Latitude 30°20'30"N., Longitude 81°18'34" W
  - b. Location of Dredge Site: Material would be dredged from  
the Mayport Naval Station access channel, turning basin,  
destroyer slip, and emergency operation vessels basin. The Naval  
Station is located near the mouth of the St. Johns River, Section  
29, Township 1 South, Range 28 East, Mayport, Duval County,  
Florida. The approximate mid-point of the basin is at Latitude  
30°23'50.22" North, Longitude 81°23'49.11" West
  - c. Project Description: The applicant requests  
authorization to dredge the Mayport Naval Station access channel  
and turning basin to a depth of -50 feet mean low water (MLW),  
the destroyer slip to -37 feet MLW and the emergency operation  
vessels basin to a depth of -27 feet MLW with an allowable over  
depth of two feet. In addition, the work would consist of  
transporting and disposing the dredged material biennially at the  
Jacksonville ODMDS. Approximately 1,000,000 cubic yards of  
dredging material would be transported by dump scow or hopper  
dredge and some material may be placed in an upland disposal  
site, if space is available. The material would primarily  
consist of silts and fines. The dredged material would be  
transported seaward and deposited in the ODMDS located in the  
Atlantic Ocean.



CESAJ-RD-A 200202052(IP-BAL)

Subject: Department of the Army Environmental Assessment and Statement of Findings for Above-Numbered Permit Application

d. Existing Conditions: The Jacksonville ODMDS has been designated as an offshore disposal site by the Administrator of the U.S. Environmental Protection Agency (EPA) pursuant to the Marine Protection, Research, and Sanctuaries Act (MPRSA) of 1972. The disposal site has been previously utilized for the discharge of material dredged from the Mayport Naval Station. The dredging work would occur in navigable waters of the United States at an existing Navy facility. There are no sea grasses in the dredging area. The area is routinely dredged to the original design depth of -50 MLW, -37 MLW or -27 MLW. The material would primarily consist of silts and fines. Additional analysis of the use of the Jacksonville ODMDS is presented in the Section 103 Evaluation Report, which is attached and part of this Environmental Assessment/Statement of Findings (EA/SOF).

e. Related Authorizations: The ODMDS has been designated as an offshore disposal site by the Administrator of the U.S. Environmental Protection Agency (EPA) pursuant to Section 103 of MPRSA of 1972. Also, the Site Management and Monitoring Plan (SMMP) was developed and agreed to pursuant to the Water Resources Development Act Amendments of 1992 to MPRSA for the management and monitoring of ocean disposal activities. It was finalized on 15 June 1997 and is effective for ten years. A permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 103 of MPRSA was issued on 5 August 1991, under Department of the Army (DA) permit number 199004179. The permit for the dredging portion was for ten years and expired on 5 August 2001. The authorization was to maintenance dredge an average annual volume of 500,000 cubic yards from the access channel and turning basin at the Mayport Naval Station. The area was dredged to a depth of -50 feet mean low water. The permit for the transportation and disposal was effective for three years. A recent permit for the transportation and disposal work was issued under DA permit number 199804638 on 22 January 1999 and expired in January 2002. Dredging of the Emergency Operation Vessels Basin was authorized under DA permit number 200002360 on 22 September 2000. The area was to be dredged to a depth of -27 feet MLW.

3. Project Purpose: The project purpose is to maintenance dredge the access channel, basin, destroyer slip, and emergency operations area to depths deep enough to serve larger Navy vessels, as well as the emergency operation vessels. To fulfill

CESAJ-RD-A 200202052(IP-BAL)

Subject: Department of the Army Environmental Assessment and  
Statement of Findings for Above-Numbered Permit Application

the project purpose the dredge material must be transported and disposed of in the Jacksonville ODMDS or upland disposal area, if space is available.

4. Statutory Authority: Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended [33 U.S.C. 1413] for the transport of the dredged material for the purpose of dumping the material in ocean waters at a dumping site designated under 40 CFR Part 228. Section 10 of the Rivers and Harbors Act for the maintenance dredging.

5. Other Federal, State, and Local Authorizations Obtained or Required and Pending:

a. Florida Department of Environmental Protection (DEP): The disposal site is beyond the State's territorial seas, therefore, it is exempt from DEP permitting. The access channel, turning basin, destroyer slip, and emergency operations basin was permitted by the Florida Department of Environmental Protection (DEP) under permit numbers 161862189 and 16196508. The applicant received a maintenance exemption for the dredging project in a letter from DEP on 5 April 2002.

b. Coastal Zone Management (CZM) consistency/permit: There is no evidence or indication from the State of Florida that the project is inconsistent with the Florida Coastal Zone Management Plan.

6. Date of Public Notice and Summary of Comments:

a. The application was received, initially reviewed and considered complete on 11 June 2002. A public notice was issued on 21 June 2002, and sent to all interested parties and Federal agencies. All comments received on this application have been reviewed and are summarized below:

(1) U.S. Environmental Protection Agency (EPA): No comments were received.

(2) U.S. Fish and Wildlife Service (FWS): In a letter dated 21 July 2002, FWS stated that that the project site is located within the range of federally endangered West Indian Manatee. Manatee occurs within the Mayport Turning Basin and surrounding waters during spring, summer, fall, and rarely in

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Subject: Department of the Army Environmental Assessment and  
Statement of Findings for Above-Numbered Permit Application

winter. The applicant wants the option of using either hopper, clamshell, or hydraulic dredging methods. To accommodate this request, FWS recommended incorporating into the permit, if issued, the standard manatee construction precautions and a special condition that requires the applicant to restrict the dredging window from December 1 through the end of February. Provided these conditions are included, they concur with the determination that the project is not likely to adversely affect the manatee. Additionally, no authorization for incidental take is necessary under the MMPA. In addition, FWS's contaminants specialist reviewed some of the information. However, due to the volume of existing material, the unavailability of the most recent report on water and sediment analysis, and the absence of key project personnel at both the Corps and EPA during portions of the comment period, they are unable to acquire additional information needed for a meaningful response. Consequently, they recommended that the Corps hold the permit application in abeyance until all pertinent information is provided.

In a letter from the Corps dated 31 July 2002, the Corps requested clarification from FWS on their request to restrict dredging for this proposal to the months of December, January, and February for all types of dredging methods.

In a second letter from FWS, dated 1 August 2002, they stated that they reviewed our request for clarification with respect to the three dredging methods proposed. The initial response limited the dredge window to the period between December 1 and February 28. The recommendation was meant to apply only to hopper dredging, which may have the greatest potential to adversely impact manatee. It is also FWS view that compared to hopper and clamshell dredging, hydraulic dredging is the method that is least likely to impact manatee. Given the nature and location of the proposed work, FWS does not believe that the special manatee conditions are necessary for hydraulic dredging. With respect to clamshell dredge, FWS recommended additional conditions that consists of employing a dedicated, trained manatee observer during all in-water operations and the observer shall be equipped with polarized sunglasses and binoculars. Also, for dredging between sunset and sunrise, they recommended that the clam shell bucket be operated in a manner in which there is a controlled descent of the bucket to the water surface rather than through gravity free-fall. The controlled decent provides the manatee observer time to scan the impact site, as

CESAJ-RD-A 200202052 (IP-BAL)

Subject: Department of the Army Environmental Assessment and Statement of Findings for Above-Numbered Permit Application

well as the surrounding waters, for the presence of manatee. If no manatees are within a distance of the impact area, the observer would signal the dredge operator, who is then free to release the bucket into the water. Nighttime clamshell dredging would also require the work area to be sufficiently illuminated for the manatee observer to be able to detect any manatee present within the work area. Any such illumination would be directed at the surface water, or otherwise shielded such that the operational lightening is not visible from the adjacent beaches on both sides of the St. Johns River during the turtle nesting and hatching season, 15 April through 30 November.

In a third letter from FWS dated 30 August 2002, they stated that the available information did not include data on tissue samples of unknown origin that were apparently collected but not presented. They therefore were unable to comment on the issue of contaminant bioaccumulation. In addition, they are uncertain as to the validity of the sediment reference station as a reference since it appears to be more contaminated than the potential dredge material. No figures depicting sample location were provided. With respect to specific contaminants, arsenic levels in four of the six samples were of some concern, but the low to medium effect levels are likely to be reduced through dilution within the ODMDS. The same appears to be true for the organic fractions. The impact of the resulting toxicity is expected to be very low, and not affect all organisms. In summary, although there were gaps in the data and questions concerning the reference samples, based on the information provided, it is their view that the dredge material is probably acceptable for disposal in the ODMDS. Therefore, they remove their recommendation to hold the proposed permit application in abeyance and do not object to the proposed work. However, on future reviews of contaminant information, they recommend that the preceding concerns are addressed and make available all information in a timely manner.

(3 National Marine Fisheries Service (NMFS)

a. NMFS, Habitat Conservation Division - In an e-mail dated 19 July 2002, NMFS stated that present staffing levels preclude further analysis of the proposed activities and no further action is planned.

Subject: Department of the Army Environmental Assessment and Statement of Findings for Above-Numbered Permit Application

b. NMFS, Endangered Species Division - In a letter dated 9 August 2002, NMFS stated that the potential exists for adverse effects on endangered or threatened species (sea turtles, whales, and sturgeon) under their purview from the potential use of a hopper dredge. They previously determined that use of a pipeline or clamshell type dredge is unlikely to adversely affect the above listed species. The potential adverse effects of hopper dredges have already been analyzed, and an incidental take was authorized by NMFS's 25 September 1997, Regional Biological Opinion (RBO) for hopper dredges. The opinion analyzed hopper dredging effects on sea turtles, whales, and shortnose sturgeon, and included non-discretionary reasonable and prudent measures, and implementing terms and conditions, to minimize potential interactions with these federally listed marine species. The RBO includes, as a reasonable and prudent measure to minimize adverse effects to sea turtles, a hopper dredging window from 1 December to 15 April. Hopper dredging is only allowed during that window, except during legitimate emergencies after consultation with NMFS. NMFS does not foresee any additional impacts of dredging that have not already been considered and previously addressed in the RBO. Biennial maintenance dredging may be conducted but only in accordance with the terms and conditions of the RBO. Any take associated with the proposed maintenance dredging shall be deducted from the anticipated incidental take per fiscal year authorized to the Corps's South Atlantic Division. Maintenance dredging by hopper dredging is not authorized in the fall at Mayport Naval Station since it falls outside of the 1 December - 15 April window, though other types of dredging, e.g., clamshell and, hydraulic may be conducted year-round.

(4) State Historic Preservation Officer (SHPO): By letter dated 31 July 2002, SHPO stated that because of the project location and/or nature of the proposed project it would have no effect on any historic properties listed, or eligible for listing, in the National Register of Historic Places.

b. Response to the comments: A copy of the letters from FWS and NMFS were given to the applicant to advise them about the special conditions that would be added to the permit. For the most part, the additional conditions were not a problem. However, there was a concern on the manatee window for hopper dredging. There did not appear to be any basis for limiting the timeframe in which the project could be dredged using a hopper

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dredge. The concern was discussed with FWS and in a letter dated 10 September 2002, they agreed to delete this restriction. FWS also requested that bumpers be placed between the barges that would allow no less than a four-foot separation at maximum compression. The Corps has no problem with this condition as it is already a requirement in the plans and specifications for the project. There were additional concerns on the data sampling and analysis from EPA, which were resolved in coordination with the Corps' Planning Division personnel.

#### 7. Alternatives:

a. Avoidance (No action, uplands, availability of other sites): The no action alternative would not allow for project completion. The transportation and disposal of the material in an ocean disposal site is needed because the applicant's upland disposal site, for the most part, has been filled to capacity. The existing Jacksonville ODMDS is approved by EPA and has been used in the past. The upland disposal site had been fill to capacity, however, due to settling there is additional space in the upland disposal site.

b. Minimization (modified project designs, etc.): The project has been limited to the area within the existing access channel, turning basin and emergency operation area. Materials from the Destroyer Slip did not pass the testing and would not be allowed in the ODMDS. Disposal at the Jacksonville ODMDS would be limited to the areas in which environmental testing has been conducted and the material passed the testing requirements. The materials from the Destroyer Slip would be placed in the upland disposal site. If the material from the Destroyer Slip is found suitable for disposal in the ODMDS then EPA may grant concurrency to include that material for transport and ODMDS disposal. Consequently, due to the settling of the material there is enough room in the upland disposal site for the unsuitable dredged material. The proposed depth of dredging would allow utilization of the Navy facility.

c. Compensatory Mitigation (Wetland enhancement, creation etc.): The project is expected to result in minimal environmental impacts. Therefore, no mitigation has been proposed or requested.

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#### 8. Public Interest Review:

a. All public interest factors have been reviewed. The following public interest review factors are considered relevant to this proposal. Both cumulative and secondary impacts on the public interest were considered:

(1) Economics: The maintenance project would allow the Navy to fully utilize the existing facility. The project would benefit the economy of the area, and provide additional jobs during construction. The project would contribute to the local economy through the purchase of goods and services. Consequently, the facility would benefit the local economy.

(2) Esthetics: The proposed project would alter the esthetic perception of the area. Whether this change is adverse or an improvement is a matter of individual judgment.

(3) General Environmental Concerns: The project would not impact the adjacent shoreline. The utilization of the ODMDS alleviates impacts to the local landfill and is not expected to result in adverse impacts to the marine ecosystem.

(4) Historic Properties: The project is not expected to impact any known historical or cultural resource.

(5) Fish and Wildlife Values: Some of these values would be lost during disposal, however, they should reestablish after disposal is complete. Also, as long as special conditions are added to the permit for the protection of manatee, short nose sturgeon, sea turtles and right whales, it is not believed that the project would adversely impact any endangered or threatened species.

(6) Flood Hazards: The project would not have an effect on flooding.

(7) Navigation: The project is expected to aid navigation and is important for National Security.

(8) Shore Erosion and Accretion: The project is not expected to impact this parameter.

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(9) Safety: The project is expected to increase the safe utilization of the local channel through the removal of existing shoals. The proposed maintenance would provide uniform depth through the access channel and basin.

b. Describe the relative extent of the public and private need for the proposed structure or work: Public benefits include the continuing use of the channel and a potential increase in the tax base through employment opportunities. This is also one of several Naval bases along the east coast, it is important that these bases are maintained for National Security.

c. Describe the practicability of using reasonable alternative locations and methods to accomplish the objective of the proposed work where there are unresolved conflicts as to resource use: There are no unresolved conflicts regarding resource use. Alternatives have been discussed in paragraph 7.

d. Describe the extent and permanence of the beneficial and/or detrimental effects which the proposed work is likely to have on the public and private uses to which the area is suited: Detrimental impacts are expected to be minimal and confined to the actual work area. These impacts are also expected to be temporary. Beneficial results include an increased capability to navigate the channel.

e. Threatened or Endangered Species: The project is not expected to adversely impact any threatened or endangered species. Special conditions would be added to the permit, if issued, to ensure that right whales and sea turtles are protected.

f. Cumulative and Secondary Impacts: Cumulative or secondary impacts are not expected as a result of the disposal. It is anticipated that the material would eventually disperse over time.

g. Essential Fisheries Habitat (EFH): The project would not adversely affect EFH. The project was sent to NMFS for their review and comment, due to staffing levels they did not comment on the proposal. Given the rigorous review by EPA on the sampling and analysis of the material that would be disposed in the Jacksonville ODMDS the Corps believes that the proposal would not adversely affect EFH.



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h. Corps analysis of comments and responses: The comments from FWS and NMFS were provided to the applicant. FWS requested special conditions be added to the permit for the protection of the manatee. In addition, NMFS requested that special conditions be added to the permit to ensure that sea turtles, short nose sturgeon and right whales be protected. The Corps would add special conditions to ensure that all the above-mentioned endangered and threatened species were protected. EPA did not respond to the public notice. They corresponded directly with Planning Division personnel, to expedite the processing of this the permit due to a short timeframe. The Corps is aware that for the disposal site to be used EPA needs to grant concurrency and that the applicant needs to ensure that they are in compliance with all the monitoring and reporting requirements as stated in the SMMP. Special conditions would be added to the permit instrument to ensure that the disposal site is not used unless the concurrency is valid and the site is monitored in accordance with the SMMP.

9. Determinations:

a. Finding of No Significant Impact (FONSI): Having reviewed the information provided by the applicant and all interested parties and an assessment of the environmental impacts, I find that this permit action will not have a significant impact on the quality of the human environment. Therefore, an Environmental Impact Statement will not be required.

b. Public Interest Determination: I find that issuance of a Department of the Army permit is not contrary to the public interest.

c. Section 176(c) of the Clean Air Act General Conformity Rule Review: The proposed permit action has been analyzed for conformity applicability pursuant to regulations implementing Section 176(c) of the Clean Air Act. It has been determined that the activities proposed under this permit will not exceed *de minimis* levels of direct emissions of a criteria pollutant or its precursors and are exempted by 40 CFR Part 93.153. Any later indirect emissions are generally not within the Corps' continuing

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program responsibility and generally cannot be practicably  
controlled by the Corps. For these reasons a conformity  
determination is not required for this permit action.

PREPARED BY:



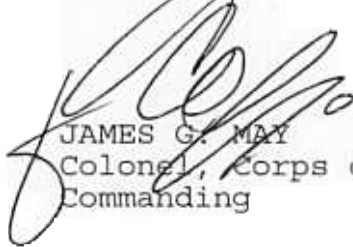
BEVERLEE LAWRENCE  
Project Manager

REVIEWED BY:



OSVALDO COLLAZO  
Chief, Atlantic Permits Branch

APPROVED BY:



JAMES G. MAY  
Colonel, Corps of Engineers  
Commanding



Jeb Bush  
Governor

# Department of Environmental Protection

Northeast District  
7825 Baymeadows Way, Suite B200  
Jacksonville, Florida 32256-7590

Colleen M. Castille  
Secretary

Voice 904-807-3300 FAX 904-448-4366

## SUBMERGED LANDS AND ENVIRONMENTAL RESOURCES PROGRAM

September 29, 2005

Naval Station Mayport  
c/o Richard E. Bonner, P.E.  
US Army Corps of Engineers, Jacksonville  
Post Office Box 4970  
Jacksonville, Florida 32232-0019

DEP File No.: 16-196508-003-EE

Dear Mr. Bonner:

Thank you for your request to the Department for authorization to maintenance dredge approximately 19,000 cubic yards of material from the Destroyer Slip area and place within the onsite upland disposal area as indicated in attached exhibits. This type of activity requires authorization for construction and operation of the project (regulatory authorization), authorization to use state-owned submerged lands (proprietary authorization), and federal authorization for works in waters of the United States through the State Programmatic General Permit (SPGP) program. Your request has been reviewed for all three authorizations. The authorizations you have been granted are listed below. Please read each section carefully. Your project **may not** have qualified for all three authorizations. If your project did not qualify for one or more of the authorizations that specific section will advise you how to obtain it. You may **NOT** commence your project without all three authorizations. If you change the project from what you submitted, the authorization(s) granted may no longer be valid at the time of commencement of the project. Please contact us prior to beginning your project if you wish to make any changes.

### REGULATORY AUTHORIZATION - EXEMPTION VERIFIED

**Your project is exempt from the need for an Environmental Resource Permit (ERP).** This determination is based solely on the information provided the Department and the statutes and rules in effect when the application was submitted and is effective only for the specified activity. This determination shall automatically expire if site conditions materially change or the governing statutes or rules are amended. In addition, any substantial modifications in your plans should be submitted to the Department for review, as changes may result in a permit being required. In any event, this determination shall expire after one year. You must comply with the attached criteria and limiting conditions in accordance with section 40C-4.051(11)(b), Florida Administrative Code.

Authority for review - Part IV of Chapter 373, F.S., Title 62, F.A.C. and in accordance to Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C.

'More Protection, Less Process'

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### PROPRIETARY REVIEW - AUTHORIZATION GRANTED

Your project occurs on state-owned, submerged land and will require authorization from the Department to use these lands for private purposes. The Department has reviewed your project as described above and on the attached documents and/or drawings, and as long as the work performed is located within the boundaries as described and is consistent with the terms and conditions therein, we find your project qualifies for a consent to use state-owned submerged lands. **As such, consider this letter to also constitute authorization to perform the activity. This consent is conditioned upon acceptance of and compliance with the attached General Consent Conditions.**

Authority for review - Chapter 253 and Chapter 258, F.S., and Chapter 18-21, F.A.C., and Chapter 18-20, F.A.C. if located in an aquatic preserve, and section 62-343.075 as required.


### SPGP - REVIEW - AUTHORIZATION NOT GRANTED

Your project has been reviewed for compliance with a State Programmatic General Permit (SPGP). Your proposed activity as outlined on the attached drawings does **NOT meet the criteria for compliance with the U.S. Army Corps of Engineers (Corps) State Programmatic General Permit (SPGP)**. A copy of your notice has been sent to the U. S. Army Corps of Engineers (USACOE) for review. The USACOE may require a separate permit **Failure to obtain this authorization prior to construction could subject you to enforcement action by that agency**. For further information, you should contact the USACOE at 904-232-1661.

Authority for review - an agreement with the U.S. Army Corps of Engineers entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection State Programmatic General Permit, Section 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean Water Act.

If you have any questions, please contact Connie Webel at 904-807-3376 or via her Internet E-mail address at [Connie.webel@dep.state.fl.us](mailto:Connie.webel@dep.state.fl.us). When referring to your project please use the DEP File number listed above.

Sincerely,

  
Andrew Sears  
Environmental Supervisor

CW/lb

Enclosures	Exemption Criteria and Limiting Conditions 40C-4.051(11)(b) Lease/Easement Information Package as Applicable USACOE Specific Condition as Applicable General Consent of Use Conditions as Applicable
COPY	USACOE, Jacksonville

## NOTICE OF RIGHTS OF SUBSTANTIALLY AFFECTED PERSONS

Be advised that your neighbors and other parties who may be substantially affected by the proposed activity allowed under this determination of exemption have a right to request an administrative hearing (or mediation, if available) on the Department's decision that the proposed activity qualifies for this exemption. If an administrative hearing (or mediation, if available) is timely requested by a substantially affected person, the finding that the proposed activity qualifies for this [exemption][notice general permit] must be reconsidered, and it is possible that the hearing or mediation could result in a determination that the proposed activity does *not* qualify for the [exemption] [noticed general permit]. Under rule 28-106.111 of the Florida Administrative Code, a request for such an administrative hearing (or mediation, if available) must be filed with the Department's Clerk in the Office of General Counsel within 21 days of either: (a) publication of notice in a newspaper of general circulation in the county where the activity is to take place; or (b) the substantially affected person's receipt of written notice which includes the information contained in Attachment (A).

The Department will not publish notice of this determination. *Publication of this notice by you is optional and not required for you to proceed.* However, in the event that an administrative hearing is held and the Department's determination is reversed, proceeding with the proposed activity before the time period for requesting an administrative hearing has expired would mean that the activity was conducted without the required permits.

If you wish to limit the time within which *all* substantially affected persons may request an administrative hearing (or mediation, if available), you may elect to publish, at your own expense, the enclosed notice (Attachment A) one time only in the legal advertisement section of a newspaper of general circulation in the county where the activity is to take place.

If you wish to limit the time within which any *specific* person(s) may request an administrative hearing (or mediation, if available), you may provide such person(s), by certified mail, a copy of this determination, including Attachment A.

For the purposes of publication, a newspaper of general circulation means a newspaper meeting the requirements of sections 50.011 and 50.031 of the Florida Statutes. In the event you do publish this notice, within seven days of publication, you must provide to the following address a certification or affidavit of publication issued by the newspaper. If you provide direct written notice to any person as noted above, you must provide to the following address a copy of the direct written notice.

Department of Environmental Protection  
Northeast District Office  
7825 Baymeadows Way  
Jacksonville, Florida 32256-7590

**NOTICE OF DETERMINATION OF QUALIFICATION**

In the Matter of an Application  
for a Determination of Qualification for an EXEMPTION  
by: Naval Station Mayport  
c/o Richard E. Bonner, P.E.  
US Army Corps of Engineers, Jacksonville  
Post Office Box 4970  
Jacksonville, Florida 32232-0019

DEP File No. 16-196508-003-EE, County of Duval

The Department of Environmental Protection gives notice that it has determined that the project to maintenance dredge approximately 19,000 cubic yards of material from the Destroyer Slip area and place within the onsite upland disposal area as indicated in attached exhibits by Naval Station Mayport qualifies for the exemption established under statute Chapter 373 and Rule 40C-4.051(11)(b), Florida Administrative Code.

The Department's determination shall become final unless a timely petition for an administrative hearing is filed under sections 120.569 and 120.57 of the Florida Statutes. The time and procedure for petitioning for a hearing are set forth below. Upon the timely filing of a petition, this determination will not be effective until further order of the Department.

A person whose substantial interests are affected by the Department's decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. The petitioner shall also mail a copy of the petition to the applicant at the address indicated above at the time of filing.

Petitions must be filed within 21 days of publication or receipt of this written notice, except that a petition by any person entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within 21 days of receipt of the written notice. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 of the Florida Statutes. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

A petition must contain the following information:

- (a) The name, address, and telephone number of each petitioner; the Department file identification number and the county in which the subject matter or activity is located;
- (b) A statement of how and when each petitioner received notice of the Department action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department action;
- (d) A statement of the material facts disputed by the petitioner, if any;
- (e) A statement of facts that the petitioner contends warrant reversal or modification of the Department action;
- (f) A statement of which rules or statutes the petitioner contends require reversal or modification of the Department action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301.

Because the administrative hearing process is designed to re-determine the Department's determination, the filing of a petition means that the Department's final determination may be different from the determination stated in this notice. Persons whose substantial interests may be affected by any change in the Department's determination have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation under section 120.573 of the Florida Statutes is **not available** for this proceeding.

## EXEMPT ACTIVITIES

(11) No permit shall be required under chapters 40C-4, 40C-40, 40C-42, 40C-44, or 40C-400, F.A.C, for the following activities:

(b) **The performance of maintenance dredging of existing manmade canals, channels, basins, berths, and intake and discharge structures, where the spoil material is to be removed and deposited on a self-contained, upland spoil site** which will prevent the escape of the spoil material and return water from the spoil site into wetlands or other surface waters, provided no more dredging is performed than is necessary to restore the canal, channels, basins, berths, and intake and discharge structures to original design specifications, and provided that control devices are used at the dredge site to prevent turbidity and toxic or deleterious substances from discharging into adjacent waters during maintenance dredging. This exemption shall apply to all canals constructed before April 3, 1970, and to those canals constructed on or after April 3, 1970, pursuant to all necessary state permits. This exemption shall not apply to the removal of a natural or manmade barrier separating a canal or canal system from adjacent wetlands or other surface waters. Where no previous permit has been issued by the Board of Trustees of the Internal Improvement Trust Fund, the Department, the District or the United States Army Corps of Engineers for construction or maintenance dredging of the existing manmade canal, channel, basin, berth or intake or discharge structure, such maintenance dredging shall be limited to a depth of no more than 5 feet below mean low water.

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## **GENERAL CONDITIONS FOR AUTHORIZATIONS TO USE SOVEREIGN SUBMERGED LANDS**

All authorizations granted by rule or in writing under Rule 18-21.005; F.A.C., except those for aquaculture activities and geophysical testing, shall be subject to the general conditions as set forth in paragraphs (a) through (i) below. The general conditions shall be part of all authorizations under this chapter, shall be binding upon the grantee, and shall be enforceable under Chapter 253 or Chapter 258, Part II, F.S.

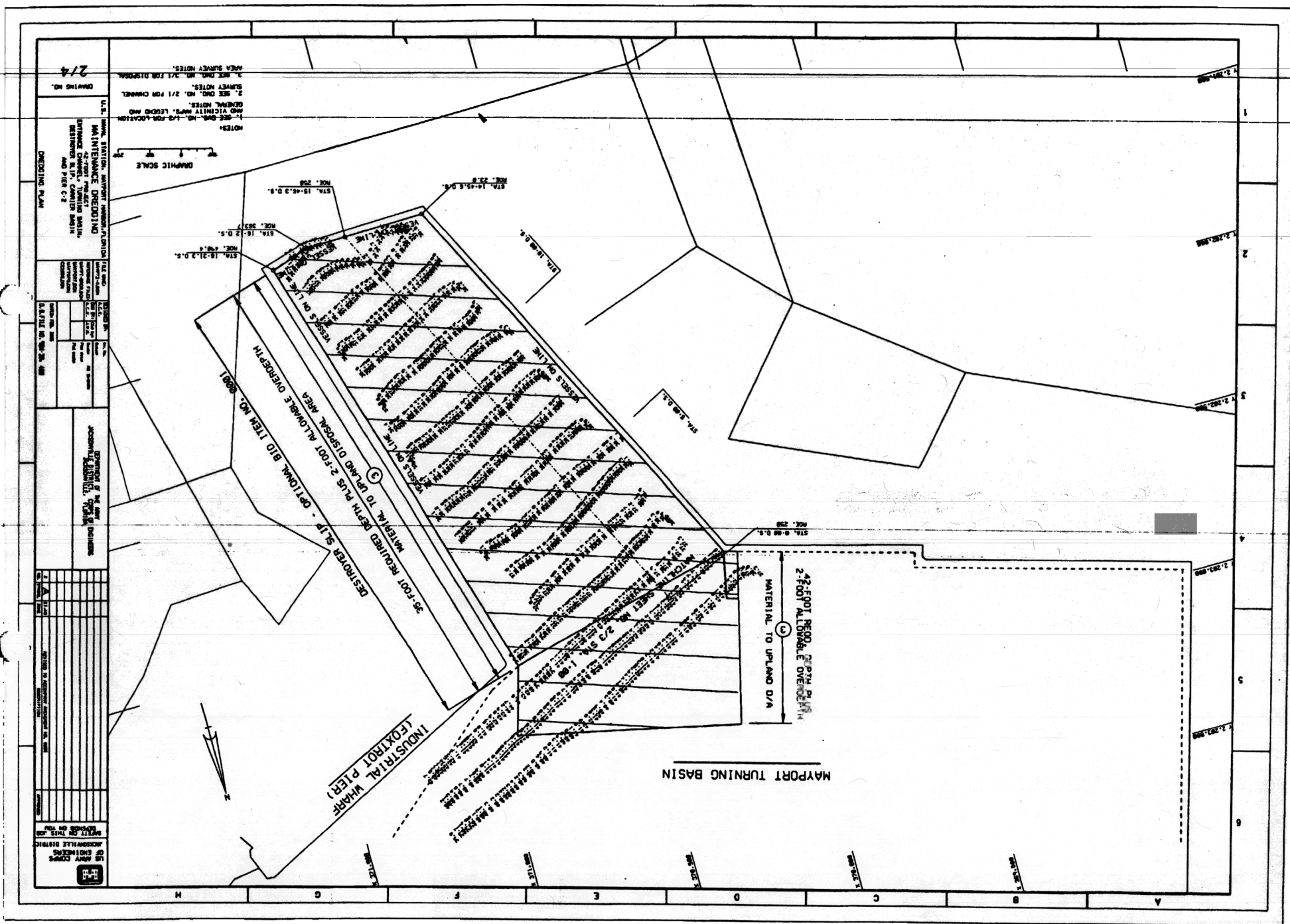
### **Chapter 18-21.004(7), F.A.C., General Conditions for Authorizations:**

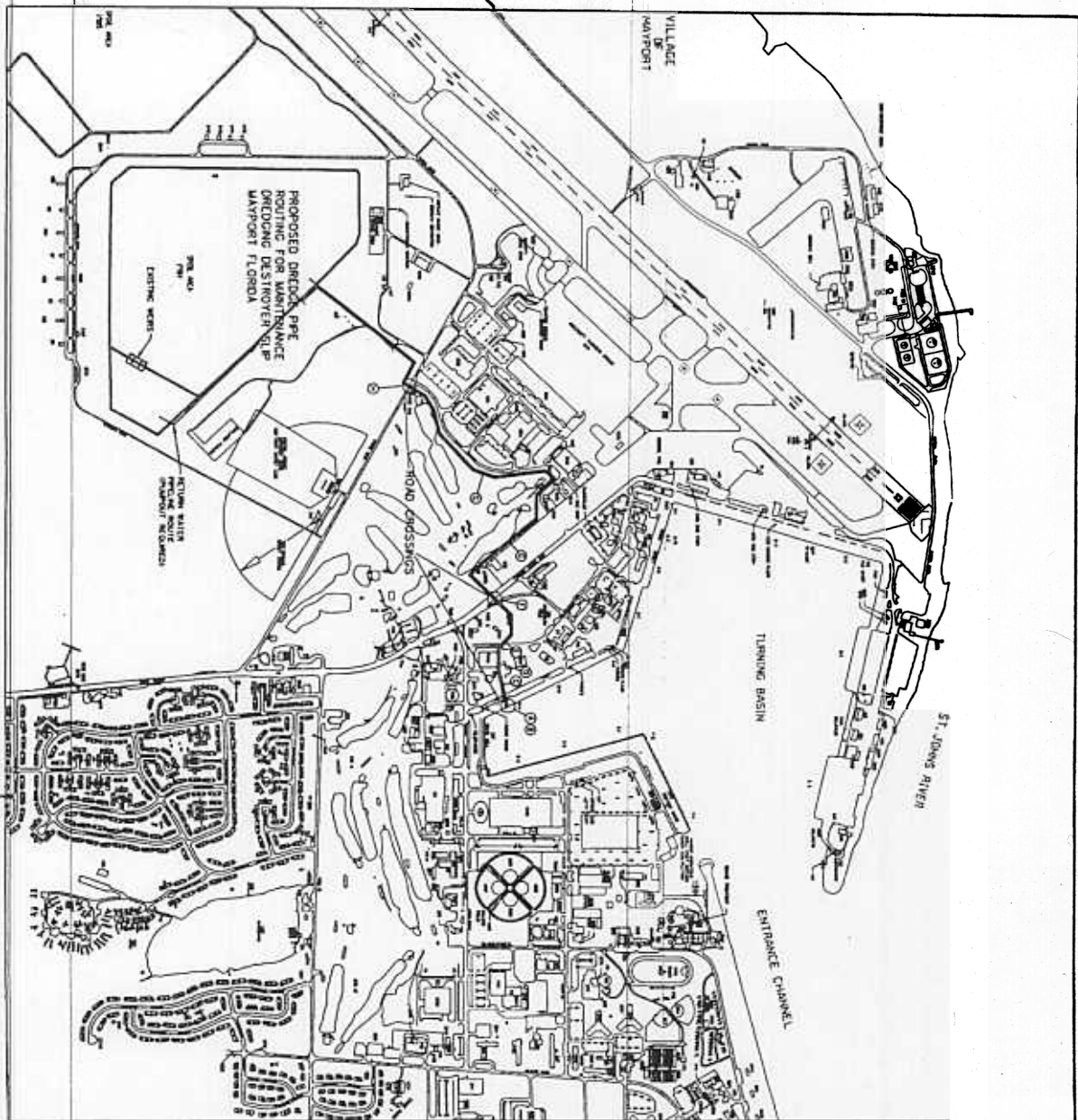
- (a) Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.
- (b) Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.
- (c) Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in Sections 253.04 and 258.46, F.S., or Chapter 18-14, F.A.C.
- (d) Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.
- (e) Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.
- (f) Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.
- (g) Structures or activities shall not create a navigational hazard.
- (h) Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of Rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.
- (i) Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 1821.004(1)(f), F.A.C., or any other applicable law.



# NOTICE

**YOUR PROJECT DID NOT QUALIFY FOR THE STATE AND FEDERAL COMBINED STATE PROGRAMMATIC GENERAL PERMIT (SPGP) PROGRAM. THE ATTACHED AUTHORIZATION(S) DOES NOT INCLUDE THE REQUIRED FEDERAL AUTHORIZATION FOR YOU TO CONSTRUCT YOUR PROJECT. A COPY OF YOUR APPLICATION HAS BEEN SENT TO THE US ARMY CORPS OF ENGINEERS (USACOE) FOR PROCESSING. THE FEDERAL AUTHORIZATION FOR YOUR PROJECT WILL BE SENT TO YOU SEPARATELY BY THE USACOE. YOU CANNOT CONSTRUCT YOUR PROJECT WITHOUT THE APPROPRIATE FEDERAL AUTHORIZATION. THE USACOE CAN BE CONTACTED IN JACKSONVILLE AT 904-232-1679.**





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